

SENATE BILL No. 449

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-19-1-2.

Synopsis: Nuisance actions and solid waste districts. Allows a civil action to abate or enjoin a nuisance caused by the unlawful dumping of solid waste to be brought by an attorney representing the solid waste management district in which the nuisance exists. Allows a county, city, town, or solid waste management district that brings a successful action to abate or enjoin a nuisance caused by the unlawful dumping of solid waste to recover cleanup costs incurred by the county, city, town, or solid waste management district to remove and appropriately dispose of the unlawfully dumped solid waste.

Effective: July 1, 2001.

Simpson

January 18, 2001, read first time and referred to Committee on Judiciary.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 449

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-19-1-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) An action to
3 abate or enjoin a nuisance may be brought by any person whose:

4 (1) property is injuriously affected; or

5 (2) personal enjoyment is lessened;

6 by the nuisance.

7 (b) A civil action to abate or enjoin a nuisance may also be brought
8 by:

9 (1) an attorney representing:

10 (A) the county; or

11 (B) **subject to subsection (d), the solid waste management**
12 **district established under IC 13-21-3-1;**

13 in which a nuisance exists; or

14 (2) the attorney of any city or town in which a nuisance exists.

15 (c) A county, city, or town, or **solid waste management district**
16 **that brings a successful action under this section (or IC 34-1-52-2**
17 **before its repeal) to abate or enjoin a nuisance caused by the unlawful**



1 dumping of solid waste is entitled to recover:
2 **(1) reasonable attorney's fees and court costs** incurred in
3 bringing the action; **and**
4 **(2) reasonable cleanup costs incurred by the county, city,**
5 **town, or solid waste management district to remove and**
6 **appropriately dispose of the unlawfully dumped solid waste.**
7 **(d) A solid waste management district may bring a civil action**
8 **under this chapter only to abate or enjoin a nuisance caused by the**
9 **unlawful dumping of solid waste and to recover fees and costs**
10 **under subsection (c).**

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